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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALEJANDRO VAZQUEZ,)	Case No.:
)	
Plaintiff,)	
v.)	
)	
OCWEN LOAN SERVICING, LLC,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

COMPLAINT

ALEJANDRO VAZQUEZ (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against OCWEN LOAN SERVICING, LLC, (“DEFENDANT”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227.

JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction over this action as raising a federal question under 28 U.S.C. § 1331. See Mims v. Arrow Financial Services, LLC, 565 U.S. 368 (2012) (confirming that the United States district courts may hear private civil suits under the TCPA in exercise of their federal-question jurisdiction).

1 24. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
2 telephone number.

3 25. Defendant's initiated these automated calls to Plaintiff using an automatic
4 telephone dialing system.

5 26. Defendant repeatedly placed non-emergency calls to Plaintiff's cellular telephone.

6 27. Under § 227(b)(3)(A) of the TCPA, a person or entity may bring a private cause of
7 action in an appropriate court based on a violation of the TCPA or the regulations prescribed
8 under the TCPA to enjoin such violation.

9 28. Under § 227(b)(3)(B) of the TCPA, a person or entity may bring a private cause of
10 action in an appropriate court "to recover for actual monetary loss from such a violation, or to
11 receive \$500 in damages for each such violation whichever is greater."

12 29. Based upon the conduct of Defendant, Plaintiff avers that the enhancement of
13 damages provided for by the TCPA allowing for Plaintiff to recover up to \$1,500 per
14 call/violation be applied to calls placed.

15 30. Defendant's conduct violated § 227(b)(1)(A)(iii) of the TCPA by placing repeated
16 calls using an automatic telephone dialing system to Plaintiff's cellular telephone.

17 31. Defendant's calls to Plaintiff's cellular telephone after he revoked consent were
18 not made with Plaintiff's prior express consent.

19 32. Defendant's acts as described above were done with malicious, intentional,
20 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
21 purpose of harassing Plaintiff.
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1 33. The acts and/or omissions of Defendant were done unfairly, unlawfully,
2 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense,
3 legal justification or legal excuse.

4 34. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
5 and damages as set forth above entitling Plaintiff to an award of statutory, actual and treble
6 damages.

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9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff, ALEJANDRO VAZQUEZ, respectfully prays for a judgment as
11 follows:

- 12 a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
13 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
14 U.S.C. § 227(b)(3)(B);
15 c. Treble damages of \$1,500.00 per violative telephone call pursuant to 47
16 U.S.C. §227(b)(3);
17 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and
18 e. Any other relief deemed appropriate by this Honorable Court.
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23 **DEMAND FOR JURY TRIAL**

24 PLEASE TAKE NOTICE that Plaintiff, ALEJANDRO VAZQUEZ, demands a jury trial
25 in this case.
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CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

RESPECTFULLY SUBMITTED,

Dated: October 19, 2018

By: /s/ Amy L. Bennecoff Ginsburg
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